



## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference OB/VP/42061	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001260	International filing date (day/month/year) 18 avril 2003 (18.04.2003)	Priority date (day/month/year) 22 avril 2002 (22.04.2002)
International Patent Classification (IPC) or national classification and IPC A61M 5/00		
Applicant BECTON DICKINSON FRANCE et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 28 octobre 2003 (28.10.2003)	Date of completion of this report 12 February 2004 (12.02.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☒ the international application as originally filed.
- ☒ the description, pages 1-11, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-25, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/1, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/FR 03/01260

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-25	YES
	Claims		NO
Inventive step (IS)	Claims	1-25	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Prior art

Reference is made to the following documents:

- D1: US-B1-6 263 641 (CARRE PATRICK G ET AL) 24 July 2001 (2001-07-24)  
D2: WO 01 82817 A (CLOSURE MEDICAL CORP) 8 November 2001 (2001-11-08)  
D3: US-A-4 402 407 (MALY GEORGE P) 6 September 1983 (1983-09-06)

#### 2. Claim 1

Document D1, which is considered the prior art most relevant to the subject matter of claim 1, discloses (see figure 5 and column 7, line 7 to column 8, line 64) packaging, from which the subject matter of claim 1 differs in that it includes a plate provided with projections so as to allow a gas to be diffused onto and around the objects contained by the packaging and, in a non-diffusing position, to prevent a gas from being diffused onto and around the objects contained.

The subject matter of claim 1 is thus novel (PCT Article 33(2)).

The present invention can therefore be considered to address the problem of preventing decontaminating gas from penetrating, without preventing the packaging from being sterilised using a sterilising gas.

The solution to the above problem proposed in claim 1 of the present application is considered to involve an inventive step (PCT Article 33(3)), since the cited documents (D2, D3) contain nothing to indicate the use of a plate provided with projections so as to allow or prevent (according to position) the diffusion of gas onto and around the objects contained by the packaging.

3. Claim 18

Independent claim 18 concerns a method of production adapted specifically for producing the packaging as per claim 1 and thus also meets the PCT requirements in respect of novelty and inventive step.

4. Claims 22-25

Independent claims 22 to 25 concern uses of the packaging as per claim 1 and thus also meet the PCT requirements in respect of novelty and inventive step.

5. Dependent claims

Claims 2 to 17 are dependent on claim 1 and thus

also comply, as such, with the PCT requirements in respect of novelty and inventive step.

Claims 19 to 21 are dependent on claim 18 and thus also comply, as such, with the PCT requirements in respect of novelty and inventive step.

6. Formalities

Independent claim 1 has not been drafted in two parts, as required by PCT Rule 6.3(b), with a preamble containing the combination of features known from the prior art (document D1) (PCT Rule 6.3(b)(i)), and a characterising part containing the remaining features (PCT Rule 6.3(b)(ii)).